

HOUSE BILL 1311

C2

0lr3168

By: **Delegate Myers**

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Boards of Plumbing, Master Electricians, and Heating, Ventilation,**
3 **Air-Conditioning, and Refrigeration Contractors – Membership**

4 FOR the purpose of altering the membership of the State Board of Plumbing, State
5 Board of Master Electricians, and the State Board of Heating, Ventilation,
6 Air-Conditioning, and Refrigeration Contractors to add a certain number of
7 code officials; requiring certain code official members of each board to be from
8 the State at large; providing for the qualifications of certain code official
9 members; and generally relating to membership on the State Board of
10 Plumbing, State Board of Master Electricians, and the State Board of Heating,
11 Ventilation, Air-Conditioning, and Refrigeration Contractors.

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 6-202 and 12-202
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Business Regulation
19 Section 9A-202
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Business Occupations and Professions**

25 6-202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The State Board consists of [9] 11 members appointed by the
2 Governor with the advice and consent of the Senate.

3 (2) Of the [9] 11 members of the State Board:

4 (i) 6 shall be licensed master electricians; [and]

5 **(II) 2 SHALL BE CODE OFFICIALS; AND**

6 **[(ii)] (III)** 3 shall be consumer members.

7 (3) Of the 6 master electrician members:

8 (i) 1 shall be from Baltimore City;

9 (ii) 1 shall be from the area that consists of Caroline,
10 Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties;

11 (iii) 1 shall be from the area that consists of Baltimore, Cecil,
12 and Harford counties;

13 (iv) 1 shall be from the area that consists of Anne Arundel,
14 Calvert, Charles, and St. Mary's counties;

15 (v) 1 shall be from the area that consists of Montgomery and
16 Prince George's counties; and

17 (vi) 1 shall be from the area that consists of Allegany, Carroll,
18 Frederick, Garrett, Howard, and Washington counties.

19 **(4) THE CODE OFFICIAL MEMBERS SHALL BE FROM THE STATE**
20 **AT LARGE.**

21 **[(4)] (5)** The consumer members shall be from the State at large.

22 **[(5)] (6)** A member of the State Board may not reside in the same
23 county as another member.

24 (b) Each member of the State Board shall be a citizen and resident of the
25 State.

26 (c) Each master electrician member of the State Board shall:

27 (1) hold an active State license; and

28 (2) be engaged actively in providing electrical services as a master
29 electrician for at least 5 consecutive years immediately before appointment.

1 **(D) EACH CODE OFFICIAL SHALL BE EMPLOYED BY A MUNICIPALITY, A**
2 **COUNTY, OR THE STATE TO ADMINISTER AND ENFORCE THE MECHANICAL,**
3 **ELECTRICAL, FIRE, PLUMBING, ENERGY, HEATING, VENTILATION,**
4 **AIR-CONDITIONING, BUILDING, OR PROPERTY MAINTENANCE CODES OF THE**
5 **MUNICIPALITY, COUNTY, OR STATE.**

6 **[(d)] (E)** Each consumer member of the State Board:

7 (1) shall be a member of the general public;

8 (2) may not be a licensee or otherwise be subject to regulation by the
9 State Board;

10 (3) may not be required to meet the qualifications for the professional
11 members of the State Board; and

12 (4) may not, within 1 year before appointment, have had a financial
13 interest in or have received compensation from a person regulated by the State Board.

14 **[(e)] (F)** While a member of the State Board, a consumer member may not:

15 (1) have a financial interest in or receive compensation from a person
16 regulated by the State Board; or

17 (2) grade an examination given by or for the State Board.

18 **[(f)] (G)** Before taking office, each appointee to the State Board shall take
19 the oath required by Article I, § 9 of the Maryland Constitution.

20 **[(g)] (H)** (1) The term of a member is 3 years and begins on July 1.

21 (2) The terms of members are staggered as required by the terms
22 provided for members of the State Board on October 1, 1989.

23 (3) At the end of a term, a member continues to serve until a successor
24 is appointed and qualifies.

25 (4) A member who is appointed after a term has begun serves only for
26 the rest of the term and until a successor is appointed and qualifies.

27 (5) A member may not be reappointed for more than 2 consecutive
28 3-year terms.

29 **[(h)] (I)** The Governor may remove a member for incompetence or
30 misconduct.

1 12-202.

2 (a) (1) The Board consists of [9] 11 members.

3 (2) Of the [9] 11 members of the Board:

4 (i) 7 shall be plumbers; [and]

5 **(II) 2 SHALL BE CODE OFFICIALS; AND**

6 **[(ii)] (III) 2 shall be consumer members.**

7 (3) Of the 7 plumber members of the Board:

8 (i) at least 6 shall be master plumbers; and

9 (ii) 1 may be a journey plumber or a master plumber.

10 (4) Subject to paragraph (6) of this subsection, of the 7 plumber
11 members of the Board:

12 (i) 2 shall be from Baltimore City;

13 (ii) 1 shall be from the area that consists of Anne Arundel,
14 Calvert, Charles, Prince George's, and St. Mary's counties;

15 (iii) 1 shall be from the area that consists of Caroline,
16 Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties;

17 (iv) 1 shall be from the area that consists of Allegany, Frederick,
18 Garrett, Montgomery, and Washington counties; and

19 (v) 2 shall be from the area that consists of Carroll, Cecil,
20 Harford, and Howard counties.

21 **(5) THE CODE OFFICIAL MEMBERS SHALL BE FROM THE STATE**
22 **AT LARGE.**

23 **[(5)] (6)** A consumer member may not reside in the same county as a
24 plumber member.

25 **[(6)] (7)** A member may not reside in a county or area of a county
26 that is exempted from this title.

27 **[(7)] (8)** The Governor shall appoint the members with the advice of
28 the Secretary and with the advice and consent of the Senate.

1 (a) (1) The Board consists of [7] 9 members.

2 (2) Of the [7] 9 Board members:

3 (i) 3 shall be master heating, ventilation, air-conditioning, and
4 refrigeration contractors licensed in the State, a subdivision of the State, or another
5 state provided that state has licensing requirements equivalent to the licensing
6 requirements of this title;

7 (ii) 1 shall be a master electrician;

8 (iii) 1 shall be a master plumber; [and]

9 **(IV) 2 SHALL BE CODE OFFICIALS; AND**

10 **[(iv)] (V) 2 shall be consumer members.**

11 (3) The Governor shall appoint the members of the Board with the
12 advice of the Secretary and with the advice and consent of the Senate.

13 (b) Except for the initial members of the Board, of the members appointed
14 under subsection (a)(2)(i), (ii), and (iii) of this section:

15 (1) 1 shall be from the area that consists of Caroline, Dorchester,
16 Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties;

17 (2) 1 shall be from the area that consists of Baltimore City, and
18 Baltimore, Cecil, and Harford counties;

19 (3) 1 shall be from the area that consists of Anne Arundel, Calvert,
20 Charles, and St. Mary's counties;

21 (4) 1 shall be from the area that consists of Howard, Montgomery, and
22 Prince George's counties; and

23 (5) 1 shall be from the area that consists of Allegany, Carroll,
24 Frederick, Garrett, and Washington counties.

25 **(C) THE CODE OFFICIAL MEMBERS SHALL BE FROM THE STATE AT**
26 **LARGE.**

27 **[(c)] (D) (1)** Two members of the Board may not be residents of the same
28 city, county, or other political subdivision.

29 (2) Each member of the Board shall be:

30 (i) a citizen of the United States; and

1 (ii) a resident of the State.

2 **[(d)] (E)** (1) Each member appointed under subsection (a)(2)(i), (ii), and
3 (iii) of this section:

4 (i) shall be an active contractor;

5 (ii) shall hold a current active license under this title or under a
6 licensing program in a subdivision of the State; and

7 (iii) shall have provided services as a contractor for not less than
8 5 consecutive years immediately prior to the date of appointment.

9 (2) The master electrician member of the Board:

10 (i) shall be actively engaged in the electrical contracting
11 business as a master electrician;

12 (ii) shall hold a current active license under this article; and

13 (iii) shall have been engaged in business as a master electrician
14 for not less than 5 consecutive years immediately prior to the date of appointment.

15 (3) The master plumber member of the Board:

16 (i) shall be actively engaged in the plumbing contracting
17 business as a master plumber;

18 (ii) shall hold a current active license under this article; and

19 (iii) shall have been engaged in business as a master plumber for
20 not less than 5 consecutive years immediately prior to the date of appointment.

21 **(F) EACH CODE OFFICIAL SHALL BE EMPLOYED BY A MUNICIPALITY, A**
22 **COUNTY, OR THE STATE TO ADMINISTER AND ENFORCE THE MECHANICAL,**
23 **ELECTRICAL, FIRE, PLUMBING, ENERGY, HEATING, VENTILATION,**
24 **AIR-CONDITIONING, BUILDING, OR PROPERTY MAINTENANCE CODE OF THE**
25 **MUNICIPALITY, COUNTY, OR STATE.**

26 **[(e)] (G)** Each consumer member of the Board:

27 (1) shall be a member of the general public;

28 (2) may not be a licensee or otherwise be subject to the regulation of
29 the Board; and

1 (3) may not have had within 1 year before appointment a financial
2 interest in or have received compensation from a person regulated by the Board.

3 **[(f) (H)]** Before taking office, each appointee to the Board shall take the
4 oath required by Article I, § 9 of the Maryland Constitution.

5 **[(g) (I)]** (1) The term of a member is 3 years.

6 (2) The terms of members are staggered as required by the terms
7 provided for members of the Board on January 1, 1993.

8 (3) At the end of a term, a member continues to serve until a successor
9 is appointed and qualifies.

10 (4) A member who is appointed after a term has begun serves only for
11 the rest of the term and until a successor is appointed and qualifies.

12 (5) Board members are eligible for reappointment, but may not serve
13 more than 2 consecutive terms.

14 (6) The Governor may remove a member for incompetence or
15 misconduct.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2010.